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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,921	12/14/2004	Johannes Hubertus Antonius Brekelmans	NL 020503	8884
24737	7590	07/19/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				CHEN, JUNPENG
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ART UNIT		PAPER NUMBER		
		2631		

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/517,921	BREKELMANS, JOHANNES HUBERTUS ANTONIUS
	Examiner	Art Unit
	Junpeng Chen	2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 December 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 December 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892) ~  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ~  
 Paper No(s)/Mail Date 12/14/2004.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 371 and 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The information disclosure statements submitted on December 14, 2004 has been considered by the Examiner and made of record in the application file.

### *Objection - Specification*

3. The disclosure is objected to because of the following informalities:
  - a. On **line 35 of page 3, lines 2, 4, 28, 29 of page 4 and line 12 of page 5**, replace "AD" with --D/A--.
  - b. On **line 5 of claim 11**, replace "database fields" with --database field--
  - c. Brief Description of Drawing is missing. (See item (h) below).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).  
"Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

### ***Objection - Drawings***

4. The drawings are objected to because both block 27 and block 28 are mislabeled. Each of block 27 and block 28 should be label as "D/A" instead of "A/D". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 3** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider **claim 3**, it recites "in/output" in line 2. It is unsure whether it means "input and output" or "input or output". For the purpose of further examination on current claim 3, the examiner interprets "in/output" as "input or output".

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Badger (U.S. Patent No. 5,678,211).**

Consider **claim 1**, Badger shows and discloses a receiver comprising a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) comprising at least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1), characterized in that the tuner comprises at least one identifier (read as address of addressable DAC 32, lines 22-37 of column 2) for identifying at least one database field in a database (read as an inherently existing memory that provides DATA IN to PROM 42, Fig. 1) situated outside the receiver for storing at least one calibration signal for calibrating the electronically tuned filter (read as the digital trimming signal for turning the filter 14 is from bus line 48, which is connected to the inherently existing memory that provides DATA IN and is outside of the receiver, lines 47-54 of column 2).

Consider **claim 2, as applied to claim 1 above**, Badger shows and discloses a receiver, characterized in that the receiver comprises a receiver memory (read as PROM 42, lines 38-54 of column 2, Fig. 2) located outside the tuner for storing the

calibration signal (read as digital trimming signal used by DAC 32 to find VC14 (VC14 in column 2 is the same as VC32 in Fig. 1), which digital trimming signal is from the data stored in PROM 42, lines 22-54 of column 2, Fig. 1), with the tuner comprising a tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) coupled to the receiver memory for receiving the calibration signal.

Consider **claim 3, as applied to claim 2 above**, Badger shows and discloses a receiver, characterized in that the database is coupled to a network (read as the inherently existing connection between PROM 42 (part of the receiver) and the inherently existing memory that provides DATA IN, Fig. 1), with the receiver comprising an in/output (read as the input of PROM 32 that receives DATA IN, lines 47-53 of column 2, Fig. 1, as best understood in view of the *Claim Rejections - 35 USC § 112* above) to be coupled to the network.

Consider **claim 4, as applied to claim 2 above**, Badger shows and discloses a receiver, characterized in that the calibration signal stored in the database and/or in the receiver memory (read as PROM 42, Fig. 1) is a digital calibration signal (read as digital trimming control signal, lines 47-53 of column 2), with the receiver comprising a digital-to-analog converter (read as DAC 32, Fig. 1) for converting the digital calibration signal into an analog calibration signal (read as DAC 32 uses digital trimming signal to determine VC14, lines 22-37 of column 2, Fig. 1).

Consider **claim 5, as applied to claim 4 above**, Badger shows and discloses a receiver, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between

DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 6**, Badger shows and discloses a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) comprising at least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1) for use in a receiver comprising the tuner, characterized in that tuner comprises at least one identifier (read as address of addressable DAC 32, lines 22-37 of column 2, Fig. 1) for identifying at least one database field in a database (read as DAC 32 obtains corresponding digital trimming signal from PROM 42, which stores DATA IN that is from an inherently existing memory that provides DATA IN, lines 23-53 of column 2, Fig. 1) situated outside the receiver for storing at least one calibration signal for calibrating the electronically tuned filter (read as the inherently existing memory that provides DATA IN is outside of the receiver and the DATA IN is digital trimming signal, which used by DAC32 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), lines 16- 54 of column 2, Fig. 1).

Consider **claim 7, as applied to claim 6 above**, Badger shows and discloses a tuner, characterized in that the tuner comprises a tuner bus (read as wire connection between DAC 32 and microprocessor that connects to PROM 42, Fig. 1) be coupled to a receiver memory (read as PROM 42, lines 47-53 of column 2, Fig. 1) for receiving the calibration signal stored in the receiver memory (read as DAC 32 obtains corresponding digital trimming signal from PROM 42, which stores DATA IN from an inherently existing memory that provides DATA IN, lines 23-53 of column 2, Fig. 1).

Consider **claim 8, as applied to claim 7 above**, Badger shows and discloses a tuner, characterized in that the calibration signal stored in the database and/or in the receiver memory (read as PROM 42, Fig. 1) is a digital calibration signal (read as digital trimming signal, lines 22-53, column 2), with the receiver comprising a digital-to-analog converter for converting the digital calibration signal into an analog calibration signal (read as DAC 32 converts digital trimming signal into VC14, lines 17-53, column 2, Fig. 1).

Consider **claim 9, as applied to claim 8 above**, Badger shows and discloses a tuner, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 10**, Badger shows and discloses a method for electronically tuning at least one electronically tuned filter (read as filter 14 is being tuned by VC14 from DAC 32, which uses trimming signal from PROM 42) in a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) in a receiver, characterized in that the method comprises the steps of identifying (read as DAC 32 obtains corresponding digital trimming signal from PROM 42, which stores DATA IN that is from an inherently existing memory that provides DATA IN, lines 23-53 of column 2, Fig. 1) at least one database field in a database situated outside the receiver and of downloading at least one calibration signal from the database field for calibrating the electronically tuned filter (read as PROM 32 obtains DATA IN from an

inherently existing memory is outside of the receiver and the DATA IN is digital trimming signal, which used by DAC32 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), lines 16 and 54 of column 2, Fig. 1).

Consider **claim 11**, Badger shows and discloses a method comprising:  
providing tuners that comprise at least one electronically tunable filter and at least one identifier for identifying at least one database field in a database situated outside the tuner (read as DAC 32 obtains corresponding digital trimming signal from PROM 42 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), which PROM 42 stores digital trimming that is from an inherently existing memory that is outside of the tuner, lines 23-53 of column 2, Fig. 1);

and operating the database that comprises the database fields for storing calibration signals for calibrating the electronically tunable filters (read as digital trimming signal is stored into a inherently existing memory, this memory provides digital trimming signal to DAC 32 through PROM 32 and microprocessor 40 to determine VC14 to turn filter 14, Fig. 1).

Badger discloses the method above but fails to mention a method of "selling". However, it is examiner's contention that since the limitation are taught by Badger, the "selling" method in the preamble is taught as well.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Limberg	US 6441843 B1	Suppression of effects of co-channel NTSC interference artifacts upon digital TV receiver adaptive equalizer
Bickley et al.	US 5822687 A	Suppression of effects of co-channel NTSC interference artifacts upon digital TV receiver adaptive equalizer
Englmeier	US 4760535 A	Control circuit for tuning a high-frequency input circuit
Maier et al.	US 4590611 A	Tuner for communications equipment
Sato et al.	US 4301540 A	Electronic tuning type receiver with digital to analog converter
Henderson et al.	US 4291413 A	Search type tuning system with direct address channel selection apparatus
Mogi et al.	US 4127822 A	Digitally controlled tuner with automatic fine tuning
Mogi et al.	US 4085372 A	Channel selecting apparatus for a television receiver with an electronic tuner
Mogi et al.	US 4085371 A	Automatically tuned memory television channel selecting apparatus
Mogi et al.	US 4079420 A	Channel selecting apparatus
Wiegand	US 4017856 A	Self-calibrating microwave transponder

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junpeng Chen whose telephone number is (571) 270-1112. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Junpeng Chen  
J.C./jc

July 11, 2006

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

*Edan Orgad* 7/13/06